



# SCHOOL BUS, INC.

5100 W. 8th Street • Sioux Falls, SD 57107 • (605) 334-6644 • Fax (605) 334-4245

Steven C. Hey, President  
Jim W. Shafer, Manager

## **DEPARTMENT OF EDUCATION "POINT OF CONTACT"** **MARCH NEWSLETTER**

### **RECALLS**

**Thomas Built HDX** school buses, manufactured from July to November 2005 (approximately 360 vehicles). The front spring eyes may crack from embrittlement due to an improper heat process. If abnormal front suspension noises are ignored, vehicle steering control may be reduced, possibly resulting in a crash. Thomas built will repair the steering suspension at no cost. The recall is expected to begin on February 20.

### **Questions and Answers on 15 Passenger Vans**

On November 17, 2005, the National Highway Safety Administration (NHTSA) sent a letter to a number of organizations explaining a new federal law governing the purchase and use of 15-passenger vans by schools or school systems. Under the new federal law, a 15-passenger van is defined as "a vehicle that seats 10 to 14 passengers, not including the driver."

When the Public Law 109-59 [Safe, Accountable, Flexible Efficient Transportation Equity Act – A Legacy for Users (SAFETELU)] was signed on August 10, 2005, it amended that NHTSA regulations concerning the purchase and use of vans by schools and school systems. The applicable section of SAFETELU is attached.

Previously, federal law only prohibited motor vehicle dealers and others from selling or leasing a new 15-passenger van to schools for the transportation of students to and from school or school-related activities.

Under the new federal law, NHTSA regulations now prohibit a school or school system from purchasing or leasing a new 15-passenger van "if it will be used significantly by or on behalf of the school or school system to transport preprimary, primary, or secondary school students to and from school or an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multifunction school activity buses."

The new federal law imposes civil penalties for violations. A single violation carries a civil penalty of up to \$10,000, and the civil penalty for a series of related violations is up to \$15,000,000.

A number of questions have already been asked about this new federal law, and the answers to those questions are provided as follows.

**Question:** Does this new federal law apply to any 15-passenger vans that are already in operation by a school or school system?

**Answer:** No. The new federal law only applies to schools or school systems that order, purchase or lease a new 15-passenger van (that is defined as a vehicle with a seating capacity of 10 – 14 passengers, not including the driver) on or after August 10, 2005.

**Question:** Are there any 15-passenger vans that meet the Federal Motor Vehicle Safety Standards for school buses or multifunction school activity buses?

**Answer:** Under federal regulations, any motor vehicle with a capacity of 10 or more passengers is defined as a "bus." The vehicle with a capacity of 10 or more passengers is defined as a "bus." The vehicle description appears on the "certification label" that is required on all motor vehicles, and typically is found affixed to the driver's door or doorjamb. If the vehicle meets all of the FMVSSs that apply to school buses and multifunction school activity buses, then the certification label will show that it is a "school bus", not just a "bus." Unless the certification label says the 15-passenger van is a "school bus," then it is a violation of federal law to purchase or use the 15-passenger van to transport students to and from school or a school-related activity.

**Question:** If I have seats removed from a 15-passenger van such that the capacity is less than 10 passengers, not including the driver, am I violating the new federal law?

**Answer:** It depends on when the seats are removed. If the dealer removes the seats BEFORE the 15-passenger van is purchased or leased, then the dealer is required by federal law to "re-certify" the vehicle to show that it is no longer a

"bus," but is now a "multipurpose passenger vehicle." Section 567.7 of Part 49 of the Code of Federal Regulations requires anyone that alters a new motor vehicle that has previously been certified as meeting all applicable FMVSSs to affix a new certification label to the vehicle that identifies who altered the vehicle and the date of the alteration and that the vehicle, as altered, continues to meet all of the FMVSS that apply to the vehicle. When the classification of the vehicle is changed, Section 567.7© requires the new certification label to show the new vehicle type.

Rectifying a vehicle to use as a new or different classification is not to be taken lightly – the organization completing that action assumes significant responsibilities and liabilities in doing so.

If someone removed the seats AFTER the vehicle was purchased or leased, then the new federal law prohibiting a school or school system from ordering, purchasing or leasing a new 15-passenger van would have already been violated, and the school or school system would be subject to the civil penalties established by the law.

### **NHTSA Revises Rear Exit Regulations, Restraints Standard**

The National Highway Traffic Safety Administration modified language in its requirement for maintaining cleared, unblocked areas – without wheelchair securement anchorages - for rear emergency exits on school buses. The rule is to take effect April 26, 2006.

That final rule amended the standard "to reduce the likelihood that wheelchair securement anchorages will be installed in locations that permit wheelchairs to be secured where they block access to emergency exit doors," the agency states.

NHTSA reports that it had received requests for reconsideration of the final rule's use of "transverse vertical and horizontal planes to define the area around the side and rear emergency exit doors where wheelchair anchorages may not be located." That request was granted, NHTSA notes. "Petitioners also asked NHTSA to reconsider the "Do Not Block" warning label," but that request was denied, the agency reports. The revised final rule applies to new school buses equipped with wheelchair securement anchorages, but "nothing in this final rule requires school buses to be so equipped," NHTSA states.

NHTSA also issues a final rule amending Federal Motor Vehicle Safety standard No. 213, "child Restraint Systems," to permit information regarding online product registration to be included on the owner registration form required under the standard.

In announcing the change, NHTSA said the amendment "enhances the opportunity of restraint owners to register their restraints online, which may increase registration rates and the effectiveness of recall campaigns." "The final rule also better enables manufacturers to supplement (but not replace) recall notification via first-class mail with e-mail notification, which increases the likelihood that owners learn of a recall," NHTSA added.

### **Bus Rules Bus Safety Kit Available**

School buses are proven to be the safest way to get children to and from school and we want to help ensure that they continue to be safe. Our "**Be Cool. Bus Rules!**" campaign is a comprehensive program developed to help school officials, parents, drivers, and students learn about bus safety.

**Driver's Guide:** Tips to give to your school bus drivers to keep them refreshed on the latest driving tips from industry experts

**Bus ID Tag:** This name tag includes the 10 "**Be Cool. Bus Rules!**"

**Post Card:** Special safety tips for parents on a postcard-sized mailer that your school can mail or send to parents of students

**Coloring Page:** A sheet that can be copied and provided to students to help them learn about bus safety

**Magnetic Card:** A magnet with the 10 "**Be Cool. Bus Rules!**"

**Order Form:** All ordering information can be found on the following link:

[www.ic-corp.com/site\\_layout/utility/bcbr.asp](http://www.ic-corp.com/site_layout/utility/bcbr.asp)

The information in this newsletter is distributed for information purposes only. It does not represent legal advice.